

1-1 By: Metcalf (Senate Sponsor - Hancock) H.B. No. 5125
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 21, 2023, read first time and referred to Committee on
 1-4 Administration; May 22, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
 1-6 May 22, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 5125 By: Springer

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the organization and operation of the legislative
 1-20 branch of state government.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 301, Government Code, is
 1-23 amended by adding Sections 301.0161, 301.0291, 301.0321, and
 1-24 301.036 to read as follows:

1-25 Sec. 301.0161. ADMINISTRATION COMMITTEES. (a) By rule or
 1-26 resolution, each house may establish an administration committee.

1-27 (b) The senate administration committee shall perform the
 1-28 duties and functions assigned to the committee by rule or
 1-29 resolution.

1-30 (c) The house administration committee shall:

1-31 (1) adopt policies and determine guidelines for the
 1-32 effective and efficient operation of the house, including the
 1-33 appointment and discharge of employees and the use of state
 1-34 property and facilities; and

1-35 (2) not later than the 60th day after the convening of
 1-36 a regular session, prepare and distribute to all members a manual of
 1-37 policy statements to include, but not be limited to, policies
 1-38 pertaining to members as a class.

1-39 Sec. 301.0291. ADMINISTRATIVE HEAD OF HOUSE OF
 1-40 REPRESENTATIVES. (a) For purposes of any law applicable to the
 1-41 legislature that requires an action by an administrative head of
 1-42 agency and unless otherwise directed by resolution, the speaker is
 1-43 the administrative head of agency for the house of representatives.

1-44 (b) As administrative head of the house of representatives,
 1-45 the speaker may make any expenditures or transfers, including
 1-46 expenditures and transfers necessary to discharge properly the
 1-47 duties and responsibilities of the office of speaker, and perform
 1-48 any function deemed necessary for the effective and efficient
 1-49 operation of the house of representatives.

1-50 (c) The speaker may delegate all or part of the authority
 1-51 granted under Subsections (a) and (b) to a house committee or
 1-52 legislative officer as provided by law, rule, resolution, or
 1-53 policy.

1-54 Sec. 301.0321. INTERNS. Notwithstanding Section 301.032 or
 1-55 any other law, a member, officer, committee, or division of a house
 1-56 of the legislature or the lieutenant governor may accept
 1-57 uncompensated service from an individual participating in a bona
 1-58 fide internship program approved by the committee on administration
 1-59 of the respective house or for which the student receives academic
 1-60 credit.

2-1 Sec. 301.036. COMMITTEES WITH LEGISLATIVE APPOINTEES. (a)
2-2 This section applies to any committee, council, board, commission,
2-3 or other body created or authorized by state law:

2-4 (1) that includes members appointed by the lieutenant
2-5 governor or the speaker; or

2-6 (2) for which the lieutenant governor or the speaker
2-7 designates the presiding officer.

2-8 (b) For an entity described by Subsection (a), the per diem
2-9 and travel expenses paid to a member of the entity shall be paid by
2-10 the state agency providing administrative support to the entity or
2-11 as otherwise directed by rider in the general appropriations act.

2-12 (c) An entity described by Subsection (a) is abolished on
2-13 the date of the sine die adjournment of the second regular session
2-14 of the legislature that begins after the date the entity is created.
2-15 This subsection does not apply to an entity that is created before
2-16 September 1, 2023.

2-17 (d) This section prevails to the extent of any conflict with
2-18 any other law. The application of this section to an entity
2-19 described by Subsection (a) may be altered only by an amendment to
2-20 this section.

2-21 (e) Subsection (c) does not apply to an entity that is a
2-22 state agency.

2-23 (f) In this section, "state agency" means a department,
2-24 commission, board, office, or other body that is in the executive or
2-25 judicial branch of state government and was created by the
2-26 constitution or statute, but does not include an advisory committee
2-27 administratively attached to a state agency.

2-28 SECTION 2. Section 301.035, Government Code, is amended to
2-29 read as follows:

2-30 Sec. 301.035. [~~JOINT~~] INTERIM COMMITTEE PER DIEM AND TRAVEL
2-31 EXPENSES. Unless a statute expressly provides otherwise, per diem
2-32 and travel expenses paid to a member of a joint committee
2-33 established by statute or an interim committee of a house created by
2-34 rule or resolution shall be paid by the house to which the member
2-35 belongs. The per diem and travel expenses paid to a public member of
2-36 the committee shall be paid by the office of the appointing entity.

2-37 SECTION 3. Section 301.072, Government Code, is amended by
2-38 adding Subsection (c) to read as follows:

2-39 (c) A state agency with charge and control of a state
2-40 building shall, as soon as practicable, notify each legislative
2-41 office or agency occupying the building of any planned or
2-42 anticipated activity described by Subsection (b)(4) that is
2-43 conducted, directed, or authorized by the state agency, including
2-44 an interruption in utilities, a maintenance or construction
2-45 activity likely to cause prolonged noise or vibration perceptible
2-46 in the space occupied by a legislative office or agency, a major
2-47 excavation project within 1,000 feet of any outer wall of the
2-48 building, or a change to or closure of a street or sidewalk adjacent
2-49 to the building or affecting vehicle or pedestrian access to the
2-50 building.

2-51 SECTION 4. Subchapter F, Chapter 301, Government Code, is
2-52 amended by adding Section 301.074 to read as follows:

2-53 Sec. 301.074. LEGISLATIVE AGENCY ADMINISTRATIVE FUNCTIONS.

2-54 (a) In this section:

2-55 (1) "Financial system" includes an accounting system,
2-56 payroll system, purchasing system, human resources information
2-57 system, or enterprise resource planning system.

2-58 (2) "Legislative agency" has the meaning assigned by
2-59 Sections 326.001(1)(A)-(B) and (D)-(H).

2-60 (b) The administrative head of a legislative agency shall
2-61 oversee the agency's central business and administrative functions
2-62 and other matters vested in or delegated to the administrative
2-63 head.

2-64 (c) For purposes of this section, the administrative head of
2-65 the senate is the highest ranking officer or employee of the senate
2-66 with responsibility for the senate's financial functions.

2-67 (d) The director or other highest ranking employee, or that
2-68 person's designee, is the administrative head of a legislative
2-69 agency other than the senate or house of representatives.

3-1 (e) A legislative agency may use an internal financial
3-2 system selected by the administrative head of the agency.

3-3 (f) The comptroller shall provide an application
3-4 programming interface or other means mutually acceptable to the
3-5 administrative head of a legislative agency and the comptroller for
3-6 the legislative agency's internal financial system to exchange the
3-7 requisite financial and other data with the financial system of
3-8 record for this state necessary for the comptroller to pay each
3-9 agency's expenses from that agency's funds as held by the
3-10 comptroller.

3-11 (g) A legislative agency may use all or any part of a
3-12 financial system provided by the comptroller under Chapter 2101 or
3-13 other law as mutually agreed to by the administrative head of the
3-14 agency and the comptroller.

3-15 (h) This section prevails to the extent of a conflict
3-16 between this section and Chapter 2101.

3-17 SECTION 5. Section 323.006(b), Government Code, is amended
3-18 to read as follows:

3-19 (b) By agreement with either house of the legislature or a
3-20 legislative agency, the council may perform administrative,
3-21 accounting, purchasing, facilities management, or other services
3-22 or functions for or on behalf of the house or agency.

3-23 SECTION 6. Section 323.009(a), Government Code, is amended
3-24 to read as follows:

3-25 (a) The council may reimburse members-elect of the
3-26 legislature for travel expenses incurred in attending an
3-27 orientation program [~~conducted by the council~~] between the date of
3-28 the general election and the convening of the regular legislative
3-29 session.

3-30 SECTION 7. Section 325.003(a-1), Government Code, is
3-31 amended to read as follows:

3-32 (a-1) A public member acts on behalf of the legislature when
3-33 participating on the commission in furtherance of the legislature's
3-34 duty to provide oversight of state [~~executive branch~~] agencies'
3-35 implementation of legislative priorities.

3-36 SECTION 8. Section 325.004(a), Government Code, is amended
3-37 to read as follows:

3-38 (a) The commission shall employ an individual selected by
3-39 the lieutenant governor and the speaker of the house of
3-40 representatives as executive director of the commission. The
3-41 executive director acts [~~to act~~] as the executive head of the
3-42 commission.

3-43 SECTION 9. Section 325.012(c), Government Code, is amended
3-44 to read as follows:

3-45 (c) The commission shall have drafts of legislation
3-46 prepared to carry out the commission's recommendations under this
3-47 section. The commission may include in legislation prepared for the
3-48 commission that continues a state agency or advisory committee only
3-49 those recommendations that relate to the efficient functioning of
3-50 or procedural changes in the day-to-day administration,
3-51 management, or operation of the state agency or advisory committee.
3-52 The commission may include any recommendation authorized by this
3-53 chapter in legislation prepared for the commission that does not
3-54 continue a state agency or advisory committee.

3-55 SECTION 10. Section 468.003(b), Government Code, is amended
3-56 to read as follows:

3-57 (b) The Texas Legislative Council may [~~shall~~] provide
3-58 office space and other support in Austin necessary for the state
3-59 demographer to perform the demographer's duties for the
3-60 legislature.

3-61 SECTION 11. Section 2052.205(a), Government Code, is
3-62 amended to read as follows:

3-63 (a) A state agency shall send to the Legislative Reference
3-64 Library three physical [~~five~~] copies and one electronic copy of
3-65 each publication that it distributes.

3-66 SECTION 12. Section 6, Article 38.01, Code of Criminal
3-67 Procedure, is amended to read as follows:

3-68 Sec. 6. ASSISTANCE. The [~~Texas Legislative Council, the~~
3-69 ~~Legislative Budget Board, and The~~] University of Texas at Austin

4-1 shall assist the commission in performing the commission's duties.
4-2 SECTION 13. Section 31, Chapter 1250 (H.B. 4181), Acts of
4-3 the 86th Legislature, Regular Session, 2019, is amended to read as
4-4 follows:

4-5 Sec. 31. Records described by Section 301.041(b) or
4-6 301.043, Government Code, as added by this Act, or Section
4-7 301.020(e) or 323.018, Government Code, as amended by this Act, are
4-8 not subject to request, inspection, or duplication under Chapter
4-9 552, Government Code. A governmental body may withhold the records
4-10 without the necessity of requesting a decision from the attorney
4-11 general under Subchapter G, Chapter 552, Government Code.

4-12 SECTION 14. The following provisions of the Government Code
4-13 are repealed:

- 4-14 (1) Sections 325.019(b) and (c);
- 4-15 (2) Section 325.022;
- 4-16 (3) Section 2053.004;
- 4-17 (4) Chapter 2060; and
- 4-18 (5) Section 2206.101(e).

4-19 SECTION 15. This Act takes effect immediately if it
4-20 receives a vote of two-thirds of all the members elected to each
4-21 house, as provided by Section 39, Article III, Texas Constitution.
4-22 If this Act does not receive the vote necessary for immediate
4-23 effect, this Act takes effect September 1, 2023.

4-24 * * * * *